IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.3117 OF 2004

God's Gift Tower Co-op.Hsg.Soc. Ltd. .. .. Petitioner
v/s.
The Municipal Corporation of Gr.Bombay & ors. .. .. Respondents

Mr.O.J. Menezes for petitioner.
Ms.A.K. Savla for res.Nos.1 & 2.
Mr.Prakash Ganwani i/by M/s.Zohair & Co. for res.No.3.

CORAM : H.L. GOKHALE &
S.C.DHARMADHKARI, JJ.

DATED : 21ST FEBRUARY 2005

P.C. :

1. Heard Mr.Menezes for the petitioner. Ms.Savla appears for respondent Nos.1 and 2 and Mr.Ganwani for respondent No.3. Respondent Nos.4 to 9 are served.

2. The petitioner-Society is a Housing Society consisting of 48 flats. These flat owners are aggrieved by the fact that respondent Nos.4 to 9, who are sold some 9 shops by respondent No.3, are not paying any water charges for their consumption of water. The petitioner is asked to

pay the bills and since the property is not conveyed as yet and it wants the water for occupants of these 48 flats, though it is not its responsibility, the petitioner-Society is paying those water charges.

3. A diagramme is annexed at page 16 to the petition which shows that a sub-meter is installed at the point wherefrom water flows to the 9 shops. Certain disputes between the petitioner-Society and respondent No.3-builders of the property are pending in the Co-operative Court including with respect to some outstanding claim of Rs.20,762/-. Now, the Municipal Corporation has stated in its affidavit that two bills amounting to Rs.2642/- of connection code No.1967 are pending. It is the petitioner's case that consumption code No.1967 is of sub-meter wherefrom the water flows to 9 shops.

4. Mr.Menezes appearing for the petitioners, on instructions, states that without prejudice, the petitioner-Society will pay this amount of Rs.2642/- and the Municipal Corporation will receive it on a photo copy of the bill being tendered. The Municipal Corporation will disconnect the water supply from the point where

this sub-meter is installed so that no more water flows to the 9 shops from the common meter wherefrom the bills are being issued to the petitioner-Society. It will be open to respondent No.3-builders to apply for separate connection. When such application for separate connection is received, the Municipal Corporation will consider it.

5. The Municipal Corporation will disconnect the water supply as stated above within one week on payment of Rs.2642/-. Petition stands disposed of.

(H.L. GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)